

REMARKS

Claims 1-16 are all the claims pending in the application. By this amendment, independent claim 1 is amended. In view of the foregoing remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

Applicant thanks the Examiner for the indication of the allowable subject matter in claims 5-9 and 13-16.

Claims 1-4, 10 and 11 stand rejected under 35 U.S.C. § 102(b) based on Shiragaki, as previously cited by the Examiner, and claim 12 stands rejected under 35 U.S.C. § 103(a) based on obviousness in view of Shiragaki.

Applicant respectfully submits that Shiragaki fails to disclose or suggest that *the C space switching modules are non-broadcasting*, as recited in independent claim 1. Applicant respectfully submits that claimed feature is not present in Shiragaki, and that one skilled in the art at the time of the invention would not have had a reason to modify Shiragaki to include this feature.

Additional reasons for the withdrawal of the rejection are provided below.

Claim 1 recites that the space cross-connect unit is operable to perform packet switching as well as circuit switching. The Examiner asserts that it is inherent that Shiragaki, allegedly having the same structure as the claimed invention, is operable to perform packet switching. The Examiner cites to MPEP §2112.01(I).

Applicant respectfully disagrees with the Examiner's conclusion of inherency for at least the following reason. Applicant respectfully submits that it is not necessarily true that the SCCU of Shiragaki is operable to perform packet switching as well as circuit switching. While this *may be true*, applicant respectfully submits that it is not *necessarily* true. Applicant respectfully

requests that the Examiner provide further technical reasoning and/or basis in fact to support the conclusion of inherency with respect to the foregoing claimed feature of independent claim 1.

Additionally, applicant respectfully submits that dependent claims 2-4 and 10-12 are allowable by virtue of their dependency for independent claim 1, which is believed to be allowable for at least the reasons discussed above. Further, applicant respectfully submits that Shiragaki fails to disclose exactly N dividers and C modules, as recited in claim 2. As noted in the Examiner's rejection, Shiragaki includes N dividers. However, the number of switching modules is not C, but is actually C multiplied by m, which is P. Therefore, applicant respectfully submits that Shiragaki fails to disclose *exactly* N dividers and C modules, as required by claim.

Therefore, applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Respectfully submitted,
/Mainak H. Mehta/
Mainak H. Mehta
Registration No. 46,924

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 28, 2008